

CHARLES ANDERSON -- 5/19/08  
EXAMINATION BY MR. BERGLUND

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1 MR. GOTTSCHLING: Objection. You're  
2 asking for the witness' opinion.

3 MR. BERGLUND: He's familiar with the  
4 collective bargaining agreement and the rules of  
5 the Joint Trade Board.

6 MR. GOTTSCHLING: You're asking if it  
7 was unfair, not the rules provided.

8 A No.

9 BY MR. BERGLUND:

10 Q Are there any rules that address a situation  
11 where an employer doesn't receive notice of a  
12 hearing before the Joint Trade Board?

13 A The rules are that they will provide us with the  
14 address when they change addresses.

15 Q What rules are you speaking of?

16 A In the collective bargaining agreement.

17 Q Let me show you what I have marked as Deposition  
18 Exhibit No. 6. Please review that and let me  
19 know if you're familiar with that document.

20 (The document was thereupon  
21 marked Deposition Exhibit No. 6  
22 for identification as of  
23 May 19, 2008.)

24 A Yes, I am.

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1 BY MR. BERGLUND:

2 Q And how are you familiar with it?

3 A The signature page for the 2004-2008 collective  
4 bargaining agreement.

5 Q Does this refresh your recollection as to when  
6 Vinco Painting became signatory with the  
7 Painter's District Council No. 30?

8 A August 30, 2007.

9 Q Let me show you what was marked as Deposition  
10 Exhibit No. 7, and that was produced to me by  
11 your counsel. Is this the collective bargaining  
12 agreement to which Vinco Painting is bound with  
13 Painter's District Council No. 30?

14 (The document was thereupon  
15 marked Deposition Exhibit No. 7  
16 for identification as of  
17 May 19, 2008.)

18 A This is the first agreement that he signed.

19 BY MR. BERGLUND:

20 Q Is there another agreement?

21 A The new May 1, 2008, through April 30, 2013  
22 agreement.

23 MR. GOTTSCHLING: I have a copy of it  
24 if you want it.

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1 MR. BERGLUND: If you contend it's  
2 relevant, otherwise I don't see how it is.

3 BY MR. BERGLUND:

4 Q Can you point out the specific provision, then,  
5 where Vinco Painting was required to notify  
6 Painter's District Council No. 30 of any change  
7 in its address.

8 A Article 14.

9 Q Where in Article 14 does it require Vinco  
10 Painting to provide notice of any change in  
11 address?

12 A My mistake, it's not 14. It's where it talks  
13 about it will not be a post office box.

14 Q If I can direct your attention to page 33,  
15 Section 9.8, is that the section you are  
16 referring to?

17 A That is correct.

18 Q So is it your testimony that Section 9.8(a),  
19 which begins on page 33 and ends on page 34, is  
20 the section of the agreement that requires Vinco  
21 Painting to provide notice of any change in its  
22 address?

23 A Correct.

24 Q After you had this two-minute conversation you

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1 told me that you had with Vince Angelilli, did  
2 you speak with him again?

3 A Yes, I did.

4 Q When was the next time?

5 A Three minutes after that conversation.

6 Q And did he call you back?

7 A Yes, he did.

8 Q How long did this conversation last?

9 A Several more minutes.

10 Q And what did he say to you?

11 A He apologized for his remarks and stated that he  
12 would like to appear before the Board, that he  
13 had proof that these allegations were incorrect.  
14 I told him that would be fine, that he would need  
15 to, again, get a check to the District Council  
16 payable to the District Council in the amount of  
17 \$50,000.

18 He was told the check would not be cashed  
19 and told when the meeting date was, and that he  
20 was to send me a request to appear before the  
21 Board along with the check.

22 Q What did he say to you?

23 A "I will get that taken care of."

24 Q Is the requirement to provide a check for \$50,000

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1 to the District Council to appeal from an award  
2 issued by the Joint Trade Board a policy or a  
3 rule that was approved by the Joint Trade Board?

4 A The Board of Trustees stated that if there was a  
5 request to appeal -- anticipating things like  
6 that -- to get 50 percent of the total fine. I  
7 took it upon myself to reduce it to \$50,000.

8 Q Then what if Vinco Painting didn't have \$50,000?

9 A Not my problem.

10 Q Let's assume that Vince Angelilli told you he  
11 didn't have the money to give to you. What would  
12 your response be?

13 MR. GOTTSCHLING: Objection; it  
14 assumes facts not in evidence.

15 A What I told him was send the check; it will not  
16 be cashed.

17 BY MR. BERGLUND:

18 Q What is the purpose of asking for any money to  
19 allow an employer to appeal?

20 A Policy of the Board.

21 Q Did you have any other conversations with Vince  
22 Angelilli?

23 A One more, I believe.

24 Q Approximately what day was that?

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1 A The date prior to the next scheduled Trade Board  
2 meeting.

3 Q Do you know how many days this conversation took  
4 place after the conversation you just described  
5 you had with him?

6 A I talked to him on the 24th of January, I  
7 believe. The next meeting of the Trade Board was  
8 scheduled for March -- I believe it was the 12th  
9 of March.

10 Q Did he call you?

11 A Yes, he did.

12 Q Where were you when he called you?

13 A In my office.

14 Q How long did this conversation last?

15 A Several minutes.

16 Q What did he say to you and you say to him?

17 A Vince stated he would be bringing in his  
18 delinquent reports, the money that he owed on  
19 those reports, and a check for the \$50,000.

20 I told him that I would see him. He said  
21 he would be there in a couple hours, and I said I  
22 may or may not be in the office, and that if I  
23 wasn't, I would see him the following morning at  
24 the Trade Board.

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1 Q Did he ever bring a check to you for \$50,000?

2 A He never appeared at the office.

3 Q Did you have any other conversations with him?

4 A I have not.

5 Q After the Joint Trade Board award was issued on  
6 January 17, 2008, did you have any conversations  
7 with Denise Angelilli?

8 A Yes, I did.

9 Q Approximately how many?

10 A One.

11 Q When was that?

12 A It would have been the 24th.

13 Q And did she call you or you call her?

14 A She called me.

15 Q Other than you and Denise, was there anyone else  
16 on the phone?

17 A To the best of my knowledge, no.

18 Q What did she say to you and you say to her?

19 A She was questioning the fine and the monies owed.  
20 She stated that they had not received notice.  
21 And it is at that point that I read the address,  
22 and I was told, "Well, we moved."

23 I told her what she would have to do, write  
24 a letter of appeal, send a check for \$50,000, and

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1 appear at the next Trade Board meeting.

2 Q What did she say?

3 A "Goodbye."

4 Q Did she tell you whether she had the money or  
5 didn't have the money?

6 A I don't believe she did.

7 Q So is it fair to state that if Vinco didn't give  
8 you a check for \$50,000 for whatever the reason,  
9 that you would not let Vinco appeal?

10 A As I told Vince, that was a policy. That was the  
11 wishes of the Board.

12 Q How long did that conversation with Denise last?

13 A Several minutes.

14 Q After January 17th, 2008, did you have any  
15 conversations with James Selmasek of the Joint  
16 Trade Board award after that?

17 A Yes, I did.

18 Q Approximately how many?

19 A Several.

20 Q When was the first time?

21 A Probably on the 17th after the meeting.

22 Q Do you know if Jim Selmasek talked with Denise or  
23 Vince Angelilli after January 17, 2008?

24 A I believe he did.

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1 Q How do you know that?

2 A Jim told me he had some discussion with Denise.

3 Q And when was the first time he spoke to Denise?

4 A I don't recall.

5 Q What did he tell you?

6 A That he was working things out with her regarding  
7 paying the money.

8 Q Did Mr. Selmasek tell you specifically what was  
9 being worked out?

10 A No.

11 Q Do you know if Jim Selmasek talked with Vince  
12 Angelilli after January 17, 2008?

13 A I do not.

14 Q Let me show you what is marked as Deposition  
15 Exhibit No. 8. If you could review that and let  
16 me know when you are finished, please.

17 (The document was thereupon  
18 marked Deposition Exhibit No. 8  
19 for identification as of  
20 May 19, 2008.)

21 A Okay.

22 BY MR. BERGLUND:

23 Q Have you seen this document before today?

24 A I believe I have.

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1 Q When was the first time you saw it?

2 A Probably at the Trade Board meeting.

3 Q Do you see on the first page where it says,  
4 "Amended 1/24/08." Do you know if this document  
5 was created on January 24, 2008?

6 A I do not.

7 Q Do you know who created this document?

8 A I do not.

9 Q If it was created on January 24, 2008, is it fair  
10 to state that this document was not presented to  
11 the Joint Trade Board on January 17, 2008?

12 A I don't know.

13 Q Do you know to whom this document was sent, if  
14 anyone?

15 A I do not.

16 Q Do you know what this document represents?

17 A It appears to represent a discrepancy in wages.

18 Q Did you have any discussions with Vince or Denise  
19 Angelilli regarding this document which is marked  
20 as Deposition Exhibit No. 8?

21 A I did not.

22 Q Did you receive any correspondence from Vinco  
23 Painting after January 17, 2008?

24 A I do not recall.

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1 Q Let me show you what I have marked as Deposition  
2 Exhibit No. 9, and let me know when you are  
3 finished reviewing it, please.

4 (The document was thereupon  
5 marked Deposition Exhibit No. 9  
6 for identification as of  
7 May 19, 2008.)

8 A Okay.

9 BY MR. BERGLUND:

10 Q Have you seen this before today?

11 A I may have.

12 Q Is there anything in this letter to which you  
13 disagree with?

14 A I don't believe the date of the 25th is correct.

15 Q What date do you think it should be?

16 A I believe it should be the 24th.

17 Q Is there anything else in this letter that you  
18 disagree with?

19 A The second and third paragraphs, fourth  
20 paragraph, fifth paragraph.

21 Q What do you disagree with in each of those  
22 paragraphs?

23 A Her opinions.

24 Q Is there anything you do agree with in those

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1 paragraphs?

2 A I would agree with my name. I would agree that  
3 she was told to pay the last checks to the  
4 employees and send a check for \$50,000 to the  
5 Council.

6 Q Was that the only thing you do agree with in  
7 those paragraphs?

8 A Correct.

9 Q Do you recall discussing this letter or any part  
10 of it with Jim Selmasek on or after  
11 February 29th, 2008?

12 A I do not.

13 Q Do you believe that the fines issued by the Joint  
14 Trade Board are within the limits set forth in  
15 Section 13.5 of the agreement?

16 A They are not.

17 Q How are they not?

18 A They were reduced by 50 percent.

19 Q How were they reduced by 50 percent?

20 A The maximum allowable is \$100,000 per violation  
21 for every day found in violation. They were  
22 assessed \$500 per violation per day.

23 Q So let me show you Section 13.5 of the agreement,  
24 which is contained in Deposition Exhibit No. 7.

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1 And correct me if I'm wrong. I understand your  
2 testimony to be that the fines are within the  
3 parameters set forth in Section 13.5 because the  
4 violations committed by Vinco were daily  
5 violations; correct?

6 A That's correct.

7 Q Isn't it true that Section 13.5 doesn't require  
8 the violations to be daily? Rather they are per  
9 violation?

10 A That's not the way I interpret it.

11 Q Did you prepare for your deposition today?

12 A Briefly.

13 Q What did do you?

14 A Talked with David.

15 Q Other than talk to him, did you look at any  
16 documents?

17 A No, I don't think so. I don't think we had any  
18 documents.

19 Q The reason -- I don't want to know what  
20 conversation you had with David, but if there is  
21 any documents that you looked at that we haven't  
22 reviewed, that's what I'm interested in getting.

23 A That's not the case.

24 Q Let me show you what is marked as Deposition

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1 Exhibit No. 10. Please take a moment to review  
2 that and let me know if you're familiar with that  
3 document.

4 (The document was thereupon  
5 marked Deposition Exhibit No. 10  
6 for identification as of  
7 May 19, 2008.)

8 A Yes, I am.

9 BY MR. BERGLUND:

10 Q And that's your signature on the last page?

11 A Yes, it is.

12 Q These are answers to certain questions that were  
13 asked of Painter's District Council No. 30 to  
14 respond to, and it indicates that you and Ryan  
15 Anderson participated in providing the answers to  
16 the questions. Can you tell me which questions  
17 you were involved in answering.

18 A Yes, I can.

19 Q Okay. Can you do so.

20 THE WITNESS: David, how long is this  
21 going to take because I'm getting a little tired  
22 of this?

23 BY MR. BERGLUND:

24 Q Chuck, I'm going over documents that were

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1 provided to you.

2 A They are answered here; that is sufficient. I  
3 need to go to the bathroom.

4 MR. BERGLUND: If this case goes to  
5 trial --

6 THE WITNESS: I need to take a break.  
7 (Whereupon, a recess was had at  
8 11:32 a.m., after which the  
9 deposition was resumed at  
10 11:37 a.m. as follows:)

11 MR. BERGLUND: Back on the record.  
12 Can you read back the question.

13 (Question from page 39, lines 12  
14 through 17, read.)

15 A 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, and 20. Those  
16 are the ones that I had input on.

17 MR. BERGLUND: Thank you. I have no  
18 more questions.

19 MR. GOTTSCHLING: No questions.

20 AND FURTHER DEPONENT SAITH NOT AT 11:40 A.M.

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## ERRATA SHEET

2 PAGE LINE CHANGE REASON

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1 I have read the above and foregoing, and it  
2 is a true and correct transcript of my deposition  
3 given on the day and date aforesaid.

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CHARLES ANDERSON

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13 Subscribed and sworn to before me  
14 this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Notary Public

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20 My Commission Expires

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1           STATE OF ILLINOIS     )  
  ) SS.

2           COUNTY OF DU PAGE    )  
3

4                     I, Karen S. Fogle, Certified Shorthand  
5           Reporter No. 084-004603, CSR, RPR, and a Notary  
6           Public in and for the County of DuPage, State of  
7           Illinois, do hereby certify that previous to the  
8           commencement of the examination, said witness was  
9           duly sworn by me to testify the truth; that the  
10          said deposition was taken at the time and place  
11          aforesaid; that the testimony given by said  
12          witness was reduced to writing by means of  
13          shorthand and thereafter transcribed into  
14          typewritten form; and that the foregoing is a  
15          true, correct, and complete transcript of my  
16          shorthand notes so taken as aforesaid.

17                    I further certify that there were present  
18          at the taking of the said deposition the persons  
19          and parties as indicated on the appearance page  
20          made a part of this deposition.

21  
22  
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1 I further certify that I am not counsel for  
2 nor in any way related to any of the parties to  
3 this suit, nor am I in any way interested in the  
4 outcome thereof.

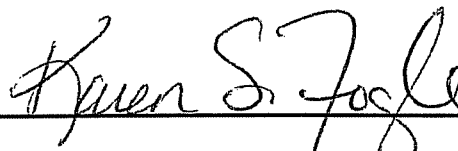
5 IN TESTIMONY WHEREOF I have hereunto set my  
6 hand and affixed my Notarial Seal this 2nd day  
7 of June, A.D. 2008.

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Certified Shorthand Reporter

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Registered Professional Reporter

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15 My commission expires

16 August 25, 2009



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